

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

DOG BOARDING

Case No. 05-21

Thursday,
November 3, 2005

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 05-21 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Acting Secretary
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OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

This transcript constitutes the minutes
from the Public Hearing held on November 3, 2005.

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P-R-O-C-E-E-D-I-N-G-S

6:37 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a Public Hearing of the Zoning Commission of the District of Columbia for Thursday, November 3, 2005. My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioner Greg Jeffries.

The subject of this evening's hearing is Zoning Commission Case No. 05-21. This is a request by the Office of Planning for text amendments to Title 11 of the District of Columbia Municipal Regulations, and that's the Zoning ordinance, to permit dog boarding uses as special exceptions in the C-2 through C-4 and Industrial Zone Districts.

Notice of today's hearing was published in the D.C. Register on August 19, 2005 and copies of that hearing notice are available on the table by the door. This hearing will be conducted in accordance with the provisions of 11 DCMR Section 3021, and those are the Rules of Procedure for rule making cases. And the order of procedure will be as follows:

We will take up any preliminary matters and then we will have the presentation by the Office

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1 of Planning; reports of any other Government agencies
2 and reports of any ANCs that are represented here
3 tonight; organizations and persons in support and
4 then organizations and persons in opposition.

5 The following time constraints will be
6 maintained in this hearing: Organizations will have
7 five minutes and individuals will have three minutes.

8 The Commission intends to adhere to these time
9 limits as strictly as possible in order to hear the
10 case in a reasonable period of time. The Commission
11 reserves the right to change the time limits for
12 presentations, if necessary, and notes that no time
13 shall be ceded.

14 All persons appearing before the
15 Commission are to fill out two witness cards. Those
16 cards are also on the table near the door. Upon
17 coming forward to speak to the Commission, please,
18 give both cards to the reporter, who is sitting to
19 our right. Please, be advised that this proceeding
20 is being recorded by the Court Reporter.
21 Accordingly, we ask you to refrain from making any
22 disruptive noises in the hearing room.

23 When you present information to the
24 Commission, please, come forward to the table and
25 then the mikes are probably on already, are they on

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1 already? We have a little different system these
2 days, so the mikes are already on, but we ask you to
3 speak into the microphone and begin by stating your
4 name and address for the record at the beginning of
5 your statement. And then we won't be turning the
6 microphones on and off, right? We don't have a
7 feedback problem.

8 COURT REPORTER: That is correct.

9 CHAIRPERSON MITTEN: Okay. Thank you.
10 The decision of the Commission in this case must be
11 based on the public record. To avoid any appearance
12 to the contrary, the Commission requests that persons
13 present not engage the Members of the Commission in
14 conversation during a recess or at any other time.
15 Staff will be available throughout the hearing to
16 answer any of your procedural questions and you can
17 direct those to Mrs. Schellin or Ms. Hill.

18 Please, turn off all beepers and cell
19 phones, at this time, so as not to disrupt the
20 hearing. At this time, we will take up any
21 preliminary matters. Mrs. Schellin, anything?

22 MS. SCHELLIN: Staff has none.

23 CHAIRPERSON MITTEN: Okay. I would just
24 mention that we did have on our schedule a Special
25 Public Meeting for 6:15 this evening and the

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1 Commission determined that that was unnecessary. So
2 we are ready to move just right into the hearing and
3 I'll turn to the Office of Planning and Mr. Mordfin.

4 MR. MORDFIN: Good evening, Chair and
5 Members of the Commission. I'm Stephen Mordfin with
6 the Office of Planning. And since the last hearing,
7 the Office of Planning has expanded the definition of
8 dog boarding to also include cats, primarily because
9 such businesses do exist, although we aren't aware of
10 any that are within the District of Columbia, and the
11 intent of this was just to make it more inclusive.

12 Also, at the last Commission meeting, the
13 Commission requested that the Office of Planning look
14 into dog grooming. And what we did was we prepared a
15 separate definition for dog grooming, based on
16 definitions that are contained within other Zoning
17 Regulations within the area and we also permit dog
18 grooming. We determined to add it as a separate use
19 similar to the way dog boarding is, so that if anyone
20 wanted to put the two uses together and have dog
21 grooming and have dog boarding, they would easily be
22 able to operate together at their discretion.

23 And that concludes the presentation from
24 the Office of Planning.

25 CHAIRPERSON MITTEN: As it relates to pet

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1 grooming, we have been advised that that's outside
2 the scope of what the public hearing notice included,
3 so to the extent that you guys want to include it,
4 we'll have to take that up as a set down item at a
5 regular meeting, so maybe on the November 14th meeting
6 you could bring that back to us.

7 It's interesting you are adding cats,
8 which seems very appropriate, but what other kinds
9 of, okay, we had dogs, we were focused on dogs and
10 now we're doing dogs and cats, animals can people own
11 in the District that we might want to include in
12 this? Do you have a sense of that?

13 MR. MORDFIN: My sense was that for the
14 most part it's only dogs that really are getting
15 boarded. Cats, it's not a very big business from
16 what I can tell from the other existing businesses,
17 from the information I got from the dog providers
18 that are within the District. So I'm not sure what
19 other animals you might want to board that we would
20 want to control.

21 The purpose of the dog boarding was
22 because of the noise and the potential odor and
23 waste. Cats don't have so much of the noise problem.
24 They tend to be much quieter. I have had cats, but
25 not dogs.

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1 CHAIRPERSON MITTEN: It just depends on
2 how many cats you get together.

3 MR. MORDFIN: Right. I don't know what
4 other animals are going to have adverse impacts,
5 since the point of doing the whole dog boarding was
6 because of the adverse impacts, that's really what
7 brought this whole thing to a head. If there weren't
8 any adverse impacts permitting it as matter-of-right,
9 it would have seemed like a logical conclusion to
10 this problem, but because of the adverse impacts, so
11 other animals, I'm not sure what kind of adverse
12 impacts you might have, if there are such businesses
13 that are going to be boarding them.

14 CHAIRPERSON MITTEN: Okay. I just wanted
15 to be as inclusive as possible and anticipate, you
16 know. I agree, I don't know what other kinds of
17 boarding establishments there might be. In one of
18 the piece of correspondence that the Commission had
19 gotten earlier, it was mentioned that certain
20 veterinary facilities might provide as a supplemental
21 service to people boarding or they might just by
22 virtue of the nature of what they do, which is they
23 keep sick animals overnight, that there might be
24 adverse impacts associated with veterinary hospitals
25 and then the same would be true with the pet shop.

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1 And I don't know if you gave that some additional
2 thought and whether or not we would need to have
3 controls there?

4 MR. MORDFIN: With respect to veterinary
5 hospitals, my understanding, having worked with them
6 before, is that they are only keeping animals there
7 that are sick. These animals aren't up and running
8 around and I don't think that there is the same noise
9 problem that you have with an ill animal that is
10 being treated at a veterinary hospital that you have
11 from a healthy one that is maybe being cared for by
12 somebody else.

13 CHAIRPERSON MITTEN: I think the issue
14 that they were raising is not so much about the
15 animals that would be there that were ill, but that I
16 think the distinction they were trying to make was
17 what's a normal accessory use and what would be a
18 non-accessory use? So whether they have more of a
19 full service type of business where they are not only
20 treating animals, and since we don't have veterinary
21 hospital as -- you know, the reason I'm pressing on
22 this is because you have taken -- you seem to have
23 focused on pet grooming and you are talking about
24 that being, you know, that's what's going on
25 exclusively.

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1 So then since we don't have veterinary
2 hospital defined, is that something that we should
3 think about defining, so that we can talk about that
4 being the exclusive use and that grooming would then
5 be a separate kind of use?

6 MR. MORDFIN: Probably so. We probably
7 wouldn't want this dog boarding to be an accessory
8 use to a veterinary hospital, because then you could
9 just, on the side, create a dog boarding
10 establishment, whereas everybody else has to go
11 through the special exception process and I can just
12 add it on to my veterinary hospital, so, if we would
13 want to, exclude it from veterinary hospitals and
14 have it as a use by itself and not customarily
15 accessory to any other use.

16 CHAIRPERSON MITTEN: So I'm thinking that
17 perhaps what we need, just along the same lines as
18 you proposing a definition for pet grooming, that we
19 would propose a definition for veterinary hospital
20 and we would propose a definition for pet shop and
21 that way we can make sure that these uses are
22 distinctly different and called out in the ordinance.

23 So maybe when you come back on the 14th you can just
24 add that to the list of things that you would
25 propose.

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1 COMMISSIONER JEFFRIES: Madam Chair, is
2 there anything else, besides those four categories,
3 can you think of another category that you might add
4 that would require a definition? I mean, because
5 when you get into naming them, you know, you could
6 miss one.

7 MR. MORDFIN: Right. Initially, we only
8 knew, I thought, veterinary hospital, pet shop and
9 dog boarding and then we added the dog grooming. We
10 can think about that. As for the November hearing,
11 we will have to then file the report tomorrow with
12 the Office of Zoning. So perhaps you could do this
13 for December?

14 CHAIRPERSON MITTEN: Sure. I mean, I
15 don't think there is a rush.

16 MR. MORDFIN: And then looking to what
17 other kinds of pet uses customarily exists and maybe
18 create definitions for all of them.

19 CHAIRPERSON MITTEN: Yes.

20 MR. MORDFIN: Even beyond veterinary
21 hospital, pet shop, grooming and dog boarding, if
22 there are other ones out there that I can't think of
23 right now, then we will include those within that
24 text amendment.

25 CHAIRPERSON MITTEN: Okay. And then when

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1 you come back with the text amendment for pet
2 grooming, you will have to be sure and tell us what
3 curries means in the context of pet grooming. I
4 assume it's not cooking.

5 MR. MORDFIN: It's not.

6 CHAIRPERSON MITTEN: Okay. Anyone else
7 have questions for Mr. Mordfin? Any questions?
8 Okay. Thank you, Mr. Mordfin. Is there anyone else
9 here representing the Government Agency that I don't
10 recognize? Anyone here representing an ANC? Okay.
11 I would just note for the record then that we do have
12 one ANC report in the record. Thank you. And it is
13 from ANC-1C and it's in the record at Exhibit No. 3
14 and they have a resolution attached.

15 I don't know that I can say it's
16 necessarily in -- I guess it's generally in favor of
17 the controls, but with certain accommodations made to
18 existing businesses. So now, I'll ask, do we have --
19 I think Mrs. Schellin went to get the sign-in sheet,
20 so I'll just hold off a moment.

21 Okay. Great. Thank you. Now, I need
22 that. I can't read the first one.

23 MS. SCHELLIN: Mark Rabbage.

24 CHAIRPERSON MITTEN: Mark Rabbage? We'll
25 take a few people at the table. Did I mispronounce

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1 that?

2 MR. RABBAGE: No, that's fine.

3 CHAIRPERSON MITTEN: Okay. Have a seat
4 at the table, please. Christopher Stone?

5 MR. STONE: Yes.

6 CHAIRPERSON MITTEN: Linda Welch?

7 MS. WELCH: Yes.

8 CHAIRPERSON MITTEN: Yes, we have four
9 seats and we like to fill them up. And Tim McGuire?
10 Okay. Mary Whalen? And the way we typically do
11 this is we do a whole panel and then we ask our
12 questions at the end. So we have Mr. Rabbage is
13 representing himself, so he will have three minutes.
14 And then Mr. Stone and Ms. Welch are representing
15 organizations and Ms. Whalen is representing herself.
16 So just to get the timing right.

17 Do we have a clock or not? Oh, okay.
18 Mrs. Schellin will give you a one minute warning when
19 you are down to one minute. Okay. Mr. Rabbage, why
20 don't you go first? And you need to speak into the
21 microphone, so you'll each have to share.

22 MR. RABBAGE: Hello and thank you very
23 much for allowing me to speak. I'm a resident of Q
24 Street, so I live at 1408 Q Street, and I have come
25 here with sort of the backing of the residents of my

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1 condominium complex, Row 12 Apartments, so perhaps I
2 have misrepresented myself as just being self. There
3 is an agreement between this condominium community on
4 the points I'm going to make.

5 And that is we live very close to a
6 particular dog kennel. We have experienced firsthand
7 a large amount of barking and we would very much like
8 to point out that we had a sound engineer come out
9 especially and do scientific recordings of the noise
10 and it is particularly loud. Not only is it very
11 loud from this indoor and outdoor dog boarding and
12 grooming facility, it's the type of noise as well.

13 I hope none of you would ever have to be
14 in a situation that we have been in where we have had
15 to use earplugs to sleep in our own bedrooms. This
16 is an ongoing situation as well. I understand that
17 you have to take time and deliberate these decisions,
18 but I would also ask where possible you use
19 expediency for our sakes really.

20 The noise is of a particular nature, even
21 one dog barking is enough to keep you up at night.
22 It's a peculiar kind of thing. I perhaps should
23 explain myself. I'm a combat cameraman for the
24 British Broadcasting Corporation and I have been in a
25 number of situations where I've experienced loud

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1 noises and I have even managed to sleep through some
2 of them. Being woken up to getting artillery
3 barrages and so forth. But it's not quite the same
4 thing.

5 I have never yet been able to sleep
6 through a dog barking from 25 foot away, you know,
7 outside yard. And it has been my pleasure to
8 actually have conversations with responsible dog
9 boarding facilities. And I only wish that, in this
10 particular case, we had a facility like some of the
11 people represented here.

12 But as some of my colleagues here pointed
13 out, but they would never even dream of thinking up
14 facilitating a dog boarding and grooming facility so
15 close to a residential area. And I would just ask
16 you to exact very firm rules that allow all of us to
17 be able to sleep more easily and for good dog kennel
18 owners to be able to conduct their business in a good
19 environment. And I think that's really it, I think.

20 CHAIRPERSON MITTEN: Okay. Thank you.
21 Are you Ms. Welch?

22 MS. WELCH: I am.

23 CHAIRPERSON MITTEN: You're next. Okay.

24 MS. WELCH: Good evening to all of you.
25 I am Linda Welch and I am Dogs By Day and Night, a 24

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1 hour day care and boarding facility for dogs, and
2 also pet essentials which is a pet supply store and
3 grooming shop. I would like to make a couple of
4 points, one around what we had discussed earlier
5 about grooming.

6 To take a good hard look at that, I can
7 see where there would be loopholes, having a grooming
8 facility myself, if I wanted to open one up in a
9 residential area, how I could say well, the dogs are
10 there for several hours and they are just waiting to
11 be groomed. So definitely keep that in consideration
12 when you are making a ruling on that, because I think
13 that might be a way that some people might try to get
14 around the rules and regulations that we are
15 implementing here.

16 The other thing, too, is that I just want
17 to point out that there are some of us that are
18 operating and have been operating for several years
19 very responsibly in this dog business. And I agree
20 with the residents that it is crucial that the noise
21 be kept to a minimum and the odor has to be
22 eliminated. And to just keep that in mind for those
23 of us who have Cs of Os and who have had business
24 licenses since '98 and '99 to grandfather us and
25 allow us to continue to operate responsibly as we

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1 have been doing in the past.

2 I also wanted to say that I am in support
3 of the letter of the Q Street Association.

4 CHAIRPERSON MITTEN: Okay.

5 MS. WELCH: Okay. Thank you very much.

6 CHAIRPERSON MITTEN: Thank you. Mr.
7 Stone?

8 MR. STONE: Hello, Madam Mitten and the
9 rest of the Board, good evening. I am the owner of
10 City Dogs located in Dupont on 18th Street. It is
11 also a dog day care and a 24 hour boarding center as
12 well. We established back in '99 and have been there
13 ever since. I want to touch on two things. One was
14 the definition of grooming. I feel that without
15 addressing the grooming situation a little bit more
16 thorough than we have, it does create, as Linda had
17 also said, a loophole.

18 And I think from an economic standpoint,
19 as a business owner, it leaves my business at a
20 disadvantage, because as I'm not classified as a
21 grooming facility, and no, I do not provide grooming
22 services, and I do operate within the full intent of
23 what the proposal is for a dog boarding center, a
24 grooming facility may choose to disguise themselves
25 as a grooming facility, but yet operate as a boarding

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1 or a daytime day care center.

2 And that concerns me, because I have
3 sanitation requirements that will be applicable to me
4 under the new proposal as well a noise regulations
5 and also location requirements. And leaving the
6 grooming out really leaves them open to basically
7 finding a location anywhere within a Commercial Zone
8 and grooming dogs. And even from a regulatory and
9 monitoring standpoint, it is somewhat challenging for
10 the city to be able to, after this goes into effect,
11 really be able to regulate it as we have seen in the
12 past.

13 And how would you be able to regulate
14 where a dog is coming in and out of the front door
15 and oh, it just got groomed. I mean, how do you
16 determine that? That's something I am concerned
17 about. I want the, from a business standpoint,
18 playing field to be equal for both myself and for the
19 grooming facilities as well.

20 And then the last point really just kind
21 of touches on me being an existing entity. At the
22 time at which we started the business back in 1999,
23 we did what we thought was the right thing, which was
24 to go to the DCRA and obtain a Certificate of
25 Occupancy and classify ourselves as all that was

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1 known as a dog day care center, much as Linda did as
2 well. And we operated under that C of O until July
3 11th of this year, at which time we went and got a new
4 C of O that did give us the ability to be a 24 hour
5 dog boarding and day care facility.

6 But I just hope that in the final
7 decision when you do conclude and put the regulations
8 in effect that you do certainly protect the
9 businesses that have been operating properly for the
10 last six years. Speaking on behalf of my 2,000
11 clients and 19 employees, I think they would also
12 certainly appreciate that as well.

13 CHAIRPERSON MITTEN: Thank you. And Ms.
14 Whalen?

15 MS. WHALEN: Thank you. I appreciate the
16 opportunity to speak. My name is Mary Whalen. I
17 live at 312 8th Street, S.E., on Capitol Hill. I'm a
18 15 year resident of the District of Columbia and of
19 Capitol Hill and I'm a client of Dogma. I support
20 most of the proposal before you, but not banning
21 outdoor yards, unless Dogma is grandfathered. I
22 appreciate the difficult issues that you have to
23 wrestle with as a Commission. But I also ask you to
24 consider the equity in viewing Dogma differently than
25 other facilities.

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1 Dogma is a unique facility in a
2 Commercial Zone with an outdoor yard which is fenced
3 and screened, visually screened, and which existed
4 long before dog boarding came before this Commission.

5 Its location is across the street from the Southeast
6 Freeway. It is 20 yards from an autobody and repair
7 shop with a yard filled with cars that are somewhat
8 wrecked. There is no nearby residential area. The
9 residential areas are all on the far side of the
10 freeway.

11 There is virtually no one to be
12 disturbed, first of all. The Dogma has been running
13 in a responsible manner with a soundproof cinder
14 block building from day one, with fenced and shielded
15 property from day one and I think the equity of the
16 situation to me is that you consider this D.C.
17 business. Essentially, they began this business from
18 nothing in an abandoned lot at a time when there
19 weren't a whole lot of businesses on Capitol Hill.

20 I was there. I lived there. I know. 8th
21 Street was not exactly, you know, the center of life
22 in the city and they anchored an end of Capitol Hill,
23 which was a particularly abandoned ill-used and
24 particularly unsafe area. They brought a business to
25 life and they have a unique outdoor facility, which

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1 is protected, noise protection, and the people are
2 not bothered by the dogs. Dogs don't bother the
3 people. There is virtually no barking.

4 But nonetheless, there could be, but they
5 operate in a responsible manner. I really would ask
6 you to consider grandfathering Dogma, protecting them
7 in some way and allowing them to operate the way they
8 always have. I think it is simply equity to allow it
9 and it's a great place.

10 CHAIRPERSON MITTEN: Okay. Thank you.
11 Questions for the panel?

12 COMMISSIONER JEFFRIES: Yes, I have a
13 couple of questions. Okay. Mr. Rabbage, so you are
14 at a condominium association at 1408 Q Street?

15 MR. RABBAGE: That's correct.

16 COMMISSIONER JEFFRIES: And you are
17 adjacent to like an exterior yard that has dogs?

18 MR. RABBAGE: There is one narrow
19 building in between our condominium building and a
20 particular dog boarding/grooming facility. And the
21 distance between our building and say the dog
22 boarding/grooming facility is about 25 or 30 foot, no
23 more.

24 COMMISSIONER JEFFRIES: Okay.

25 MR. RABBAGE: And they have both indoor

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1 and outdoor facilities.

2 COMMISSIONER JEFFRIES: Well, how close
3 are you to Mrs. Welch's location Dogs By Day?

4 MR. RABBAGE: That's a more substantial
5 distance. I think in meters it's more like 300
6 meters away. That's about two or three blocks away.

7 MS. WELCH: We're in the middle between R
8 and S Street.

9 MR. RABBAGE: R and S.

10 MS. WELCH: On First Street, yes.

11 COMMISSIONER JEFFRIES: Okay. First of
12 all, I go to dog, pet essentials. You might not
13 remember me.

14 MS. WELCH: Oh, I do. Thank you.

15 COMMISSIONER JEFFRIES: Protein bones.
16 You told me to use the protein, not the rawhide for
17 the first year.

18 MS. WELCH: I hope it's working.

19 COMMISSIONER JEFFRIES: Not for me, but
20 for my dog. So I just wanted to make certain I was
21 clear about the distance, because I'm like, now, they
22 are very friendly, but, you know, I just sort of
23 confused the alphabet there.

24 So, Mr. Rabbage, how long has this
25 boarding been in place?

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1 MR. RABBAGE: Over two years. I think
2 it's almost two and a half years now.

3 COMMISSIONER JEFFRIES: Have you seen an
4 increase in the noise level or it's just been pretty
5 consistent?

6 MR. RABBAGE: I would say it started off
7 at a low level and ramped itself up quite
8 substantially at the point there was barking at
9 night, at 4:00 in the morning, at all times of the
10 day. Recently, because I think of the issues being
11 looked at by your Board, things have gotten quieter.

12 But I would still say, I mean, there were dogs
13 barking last Friday. I came back from -- I was in
14 Cancun and tired.

15 COMMISSIONER JEFFRIES: Okay.

16 MR. RABBAGE: So I came back and was
17 woken up at 8:30 in the morning by some dogs barking
18 in the back there.

19 COMMISSIONER JEFFRIES: How about
20 sanitation issues?

21 MR. RABBAGE: It depends which way the
22 wind is blowing.

23 COMMISSIONER JEFFRIES: Okay.

24 MR. RABBAGE: Generally, the situation I
25 have on my floor and my position, I can't really talk

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1 for the residents. I know other residents do get a
2 lot of odor. Generally, I don't. I try to keep
3 those windows shut as much as I can.

4 COMMISSIONER JEFFRIES: Okay. Okay.
5 And, Mrs. Whalen, you know, the current sort of
6 situation in and around your Dogma is that, you know,
7 there is not much residential. It's sort of empty.
8 But there could be a time down the road that you see
9 increased development and so forth.

10 MS. WHALEN: Theoretically, yes.
11 However, Dogma is bounded on one side by the freeway.
12 Unless we're going to tear the freeway down, I don't
13 think we're building there. There is a park on one
14 other side.

15 COMMISSIONER JEFFRIES: Where is it
16 located exactly? What's the exact location?

17 MS. WHALEN: Virginia Avenue.

18 CHAIRPERSON MITTEN: Between 8th Street
19 and 9th Street.

20 COMMISSIONER JEFFRIES: Oh.

21 CHAIRPERSON MITTEN: Between 8th Street
22 and 9th Street, for the record, is what was said from
23 the audience.

24 MS. WHALEN: Thank you. I didn't
25 remember. It literally is on that little spur of

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1 street that runs back onto the freeway.

2 COMMISSIONER JEFFRIES: Okay.

3 MS. WHALEN: And the part goes up across
4 the 11th Street Bridge and part goes down onto the end
5 of the freeway. There is a small park on one side of
6 the facility. There is a parking lot behind it.
7 There is no commercial -- I mean, no residential
8 anything.

9 COMMISSIONER JEFFRIES: Yes.

10 MS. WHALEN: And I agree, it's a very
11 different situation faced by the gentleman.

12 COMMISSIONER JEFFRIES: Yes, I'm just
13 sort of -- you know, obviously, we all know that, you
14 know, there is so much development happening and like
15 any available lot is being considered and there's a
16 lot of mixed use developments and so there could come
17 a time.

18 MS. WHALEN: Theoretically.

19 COMMISSIONER JEFFRIES: I mean, I can't
20 fully make out the area, but that's just --

21 MS. WHALEN: I believe she is going to
22 show you some pictures.

23 COMMISSIONER JEFFRIES: Okay. Well, that
24 would be great.

25 MS. WHALEN: And I think that will help.

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1 But this is not going to be the first property. But
2 I understand the point.

3 COMMISSIONER JEFFRIES: Yes.

4 MS. WHALEN: I'm just saying that at this
5 time, as you consider this regulation, I think there
6 are places in the city where there are no real
7 residential use underway where a facility could have
8 an outdoor yard without disturbing anyone. And I
9 think, you know, you could survey the residents, only
10 there aren't any residents to survey.

11 I think it's an issue that you should
12 consider that there are places in the city where
13 viable businesses like this one came into a blighted
14 area, created human traffic, created not only jobs in
15 the District, but really it is helpful to have
16 comings and goings, we all know that, in particularly
17 isolated areas.

18 COMMISSIONER JEFFRIES: I appreciate
19 that. I'm a big proponent of economic development.

20 MS. WHALEN: Well, I know you are.

21 COMMISSIONER JEFFRIES: Mr. Stone, I
22 heard you say --

23 MS. WHALEN: That's exactly --

24 COMMISSIONER JEFFRIES: -- 19 employees.

25 I got it. I just, you know, wanted to point that

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1 out that, you know, things don't always stay as they
2 are today and you might be looking at a very
3 different context down the road. And so one other
4 question. Dogma has -- because there are no
5 residents, there have been no complaints ever?

6 MS. WHALEN: None that I'm aware of ever
7 in its years of operation.

8 COMMISSIONER JEFFRIES: The wind blowing
9 a certain direction doesn't --

10 MS. WHALEN: Well, there's nobody there.

11 COMMISSIONER JEFFRIES: Okay. Okay.
12 Okay.

13 MS. WHALEN: And then there's some guys
14 that live under the freeway.

15 COMMISSIONER JEFFRIES: Okay. Okay.

16 MS. WHALEN: You could talk to them.

17 COMMISSIONER JEFFRIES: Okay. Okay.
18 Thank you.

19 CHAIRPERSON MITTEN: Mr. Hood?

20 VICE CHAIR HOOD: Thank you. Is this on?

21 CHAIRPERSON MITTEN: He has to turn you
22 up.

23 VICE CHAIR HOOD: Is this on? Oh, you
24 have to turn me up. Thank you. I appreciate the
25 education that I'm getting thus far. Unfortunately,

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1 like my colleagues, I don't have very much experience
2 with dogs and the dog boarding issues and the
3 grooming issues and all of this. But, Mr. Stone, you
4 said something that I'm curious.

5 From your experience, what do other
6 jurisdictions -- how do they handle dog boarding? I
7 know they have the land mass and everything, so they
8 don't run into some of the same problems we do, but
9 just elaborate for me. How do they handle it?

10 MR. STONE: Well, I think it depends on
11 whether we're dealing --

12 CHAIRPERSON MITTEN: Would you put the
13 mike in front of you?

14 MR. STONE: Oh, I'm sorry. I think it
15 depends on whether we're dealing with a city or the
16 suburbs. If you go out into Virginia or Maryland,
17 they are a little bit more relaxed, you know, maybe
18 excluding Bethesda and Silver Spring and some of the
19 areas by county.

20 But when you get into cities, if you look
21 at Baltimore and even New York City, they have much
22 stricter requirements and, primarily, a lot of it is
23 indoor in the city areas. I think in the letter that
24 we sent to Ms. Mitten, excuse me, I apologize --

25 VICE CHAIR HOOD: That's fine.

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1 MR. STONE: I wasn't even looking. Okay.
2 There it is. That we touched on in there pretty
3 detailed what some of the other local jurisdictions
4 have done. Baltimore County was one. New York City
5 was another and they are all in the letter. And I'm
6 coming from memory, but having helped write that and
7 read it several times, it's very detailed in there as
8 to what they have done.

9 You know, soundproofing is important, you
10 know, something that is not as easy to be controlled,
11 but ownership and management is certainly important
12 as well. It's a difficult variable to control at
13 this type of level but, you know, noise and odor
14 control, odor can be controlled. I mean, speaking
15 for myself and for Linda, you know, we control it. I
16 mean, you know, we have to.

17 That's part of the responsibility we are
18 as business owners, to make sure that it's controlled
19 and it is controlled. And it if needs to be
20 escalated to where it's put into the regs, so that
21 people are required to do it because they are not
22 taking the initiative on their own as a business
23 owner, then certainly it needs to be there.

24 The same with soundproofing. I mean, you
25 know, we have soundproofing, but if others choose or

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1 have chosen not to do that and there needs to be
2 something to motivate them to do that, then certainly
3 it should be in there as well. That's really all I
4 can say.

5 VICE CHAIR HOOD: Okay. You mentioned,
6 and it may be in your submittal, but you mentioned
7 that you have about 2,000 clients.

8 MR. STONE: Yes.

9 VICE CHAIR HOOD: Is there a cap of how
10 many clients you serve at one time?

11 MR. STONE: There is a cap, yes. 2,000
12 clients would encompass both, you know, boarding,
13 which we do as one service, and day care as another.
14 Generally, on an average day for our facility, we
15 have two large rooms where we house the dogs all
16 indoors, one is downstairs, one is upstairs, and we
17 usually have about 25 dogs a room, so about 50 dogs
18 on a day.

19 And then when the day care day ends at
20 7:00 p.m., the dogs are picked up usually mostly
21 between 5:00 and 7:00 at the end of the work day and,
22 approximately, during the week I would say between 10
23 and 15 dogs stay overnight, because the owner is out
24 of town, they are traveling for business. So we
25 board about 10 or 15 during the week and then, of

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1 course, on the weekends we go to our maximum, which
2 is 25.

3 VICE CHAIR HOOD: Okay.

4 MR. STONE: Who are boarding on the
5 weekends.

6 VICE CHAIR HOOD: Okay. Thank you. Mr.
7 Rabbage, you mentioned that you had problems with
8 noise issues.

9 MR. RABBAGE: Yes.

10 VICE CHAIR HOOD: Indoor, you can hear
11 them when they are inside as well as outside.

12 MR. RABBAGE: The noise report we had
13 done was done by a neighboring building, basically
14 adjacent to this particular dog grooming and boarding
15 facility. They recorded noise from inside this
16 person's home and also outside listening to the yard
17 and the noise coming from like inside the dog
18 grooming and outside the dog grooming facility.

19 And I believe it's under BZA Appeal No.
20 17092, this particular report, and I think it was
21 very persuasive in that appeal about the level of
22 noise you can get, let alone the type of noise, but
23 simply the level of it.

24 And if I may, just on that point, our
25 concern as well, I didn't pick up from -- I should

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1 have said earlier on is that we're very concerned
2 that we suffer this kind of noise simply because an
3 establishment changes from being a boarding into a
4 grooming facility.

5 It's the same fear we have, that this
6 loophole would become, in fact, there and that we
7 would be listening to one dog barking or 10 dogs
8 barking. To us it makes no difference if it's
9 boarding or if it's grooming. The noise will still
10 be there if they are not considered to be the same
11 and have the same strict regulations applied.

12 VICE CHAIR HOOD: Okay. All right.
13 Thank you. And, Mr. Stone, I do share your -- I
14 think you raised a concern about the enforcement
15 issue. I share that now and not just with this case,
16 but all of them. We sit here and write regs and a
17 lot of times --

18 MR. STONE: Sure.

19 VICE CHAIR HOOD: Sometimes I will -- we
20 live in the city, too. I wanted to know what's
21 happening, so I do share your concerns. Thank you.

22 CHAIRPERSON MITTEN: Thank you, Mr. Hood.

23 I just wanted to follow-up with Mr. Rabbage on the
24 subject that Mr. Hood was just talking to you about.

25 The way that the proposed regulation reads right now

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1 is that the use would not be permitted if it abutted
2 a residence zoned district, but you are somewhat
3 removed. Isn't there an intervening property?

4 MR. RABBAGE: For my residence, yes, but
5 there are other residences which do abut. I'm on the
6 east side of this particular building. There is an
7 intervening building, but the people on the west side
8 residences do abut, immediately abut that particular
9 facility.

10 CHAIRPERSON MITTEN: Right. And I'm not
11 focused so much on the specifics of that
12 circumstance, but what you're describing to us makes
13 me wonder is the prohibition that simply -- let's
14 pretend that the intervening property is not
15 residential and it is, in fact, commercial, and so
16 someone could come in and, you know, perhaps qualify
17 under a special exception for this use, because it
18 wouldn't be prohibited, but it's still close enough
19 that it's a problem for the residents. They are not
20 abutting, but they are within a certain distance.

21 MR. RABBAGE: I can --

22 CHAIRPERSON MITTEN: Can you suggest from
23 your experience what this establishment -- what that
24 distance is?

25 MR. RABBAGE: I struggle with that one.

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1 For us, we're about, approximately, 25 foot away and
2 that is too close. But again, you know, I would
3 dream of living next to the colleagues I have to my
4 right, because I know there are buildings in similar
5 situations and they have experienced very little
6 noise because of the precautions they are taking.

7 CHAIRPERSON MITTEN: Um-hum.

8 MR. RABBAGE: But the particular facility
9 I'm thinking of has taken no such things and they do
10 have an outdoor run. The people who live -- about it,
11 the residents who about this particular facility,
12 suffer from a great deal of noise inside their
13 building.

14 I struggle to sort of help you in
15 defining how far away it should be. I think it's a
16 question of looking at perhaps engineering reports
17 like the one we submitted. I think there are --
18 there are scientific points on that one.

19 CHAIRPERSON MITTEN: Go ahead.

20 MS. WELCH: Can I speak to that?

21 CHAIRPERSON MITTEN: Yes. I just need
22 you to speak into the microphone.

23 MS. WELCH: Yes, absolutely. I think,
24 too, with my building, a dog's bark can resonate
25 deeply on long -- for far away. Cement block can

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1 absorb a lot of that. There's a lot of ways to
2 soundproof it.

3 We have almost 80 dogs a day and we have
4 neighbors on both sides, we have business on both
5 sides that never hear them, and that is because when
6 we got our facility and we put dogs in it and we let
7 them bark first and we went outside and we listened.

8 And we said oh, well, there is sound here, there is
9 not sound here, fix it.

10 I think you really have to have that in
11 the regulations, some sort of soundproofing of these
12 establishments, to make sure that there is no
13 decibels beyond X outside. It's hard to say a dog
14 barking. My dogs, I have two St. Bernards. If they
15 bark now we could probably hear them and they are on
16 14th Street. So I don't know whether you can really
17 gauge it on that.

18 Now, the waste is another and the odor is
19 another problem as well. But again, there are things
20 that can be done. There are big, huge hepafilters
21 and things that can be installed that take care and
22 circulate the air. There are people that come by and
23 collect the waste on a daily basis and there's
24 containers that can be put in.

25 I mean, these kinds of things can be

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1 regulated and established to make a facility like
2 ours -- we have neighbors right next to us. We have
3 a coffee shop and it doesn't bother them at all. So
4 just maybe that could be helpful.

5 CHAIRPERSON MITTEN: Okay. Because I
6 think if we could have in the special exception
7 requirements that there have to be certain, and maybe
8 you can work with these folks to figure out things
9 like, you know, air filtration, waste removal,
10 soundproofing, so that we can make it easier for the
11 BZA to understand what kinds of things they should be
12 focusing on and what the standards are. That would
13 be helpful.

14 VICE CHAIR HOOD: Madam Chair, can I just
15 say something? Can you turn it up? You got me up?
16 Okay. You mentioned hepafilters. Are you actually
17 using that now, a filter, a hepafilter at your
18 facility?

19 MS. WELCH: Oh, yes. We have several
20 huge hepafilters.

21 VICE CHAIR HOOD: How often do you have
22 to change that?

23 MS. WELCH: We change them every three
24 weeks.

25 VICE CHAIR HOOD: Every three weeks?

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1 MS. WELCH: Yes. Yes, we go through a
2 lot of money for the filters, but it's worth it.

3 VICE CHAIR HOOD: Okay. All right.
4 Thank you.

5 COMMISSIONER JEFFRIES: Excuse me. Madam
6 Chair, I just wanted to bring attention to the letter
7 dated October 31st. It just talked about some of the
8 other jurisdictions and how they dealt with setback
9 requirements, San Francisco, Baltimore, San Diego.

10 I mean, it's all over the map as it
11 relates to the kind of distance that's required, so I
12 just wanted to note that for the record. Like, for
13 example, here in Maryland, setback distance, 200 feet
14 from the nearest property line. So anyway, just in
15 terms of additional information.

16 CHAIRPERSON MITTEN: I think, and what is
17 becoming clear is there is -- what the ordinance
18 needs to do is it needs to set the stage for, you
19 know, we often have cases where we're granting a use
20 for a property and if you have good management,
21 everything is fine. If you have bad management,
22 everything is not fine.

23 And so we're trying to put as many
24 objective standards in place so that -- you know,
25 people can't rely on the same management in

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1 perpetuity, so we just need to do the best we can to
2 ward off some of the negative impacts.

3 I just also wanted to follow-up on a
4 question that Mr. Hood had asked, which is is there -
5 - I take it there has got to be a size beyond which
6 the facility is unmanageable or a density of animal
7 per square foot or something, and I don't know how
8 you establish those standards.

9 But thinking again ahead to someone who
10 might not be the best manager and is just taking more
11 animals than they can really handle appropriately, do
12 you have any suggestions for us on either
13 restrictions on overall size or on animals per square
14 foot or something like that? Any thoughts on that?

15 MS. WELCH: I have looked into that,
16 animals per square foot, because I do consulting for
17 day cares that are all over the country. That is
18 hard to say. The best gauge for something like that
19 is how well-trained the staff is in managing animals.

20 At times there could be five staff in the back and
21 if they are not well-trained, they can't manage five
22 dogs. Other times there could be one really well-
23 trained handler in the back with 60 dogs and the dogs
24 are all quiet.

25 It's really hard to gauge. Of course,

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1 you don't want the dogs on top of each other, but in
2 situations like ours when there is such limited
3 space, we know what our facilities can handle just
4 based on the experience of our handlers, which is
5 what's called the people that are in the back with
6 the dogs. So we know our limit.

7 We have had 97. That was the top number
8 that we have ever had. It was a crazy day. We don't
9 want that every day. So we think, okay, 80. You
10 know, that's a good cutoff point, but we know that
11 only through experience. It's really hard, and I
12 know Chris can talk to this, too, but it's just
13 really hard to say dogs per square foot.

14 I don't think that can be part of the
15 regulation only because you're limiting those who are
16 very qualified and allowing those who maybe are not
17 to take more than they can.

18 CHAIRPERSON MITTEN: Is there a minimum
19 staff for X number of dogs?

20 MS. WELCH: There is not really a
21 requirement that is set. Again, it depends on how
22 comfortable the handler is. We have seen as much as,
23 you know, one staff person for every 10 dogs and one
24 staff person for every 20 dogs. It's not the same as
25 a child day care.

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1 This is -- it's an evolutionary process
2 since day care has only been around in this area for
3 8, 9, 10 years. You know, it's relatively new. So,
4 you know, Chicago and LA led the way of that and then
5 we followed suit. Rebecca actually was the first in
6 our area. So it's still being fine tuned and there
7 aren't any industry standards.

8 CHAIRPERSON MITTEN: Okay. Mr. Stone,
9 did you want to --

10 MR. STONE: Yes, just a quick comment. I
11 think getting back to the regulation or the
12 regulatory aspect, I think it would be very
13 challenging to implement something that would say
14 that there was a requirement for a certain amount of
15 square foot per dogs. I mean, unless someone is
16 going to come and count the dogs on a daily basis, I
17 think it would be a challenge to do that.

18 You know, going back to me having 19
19 staff, you know, some people are somewhat shocked
20 that I have that many employees for the size of my
21 business, and it's because we have a lot of people
22 that work with the dogs and that is more -- we put
23 more emphasis there to keep, you know, an adequate
24 amount of staff controlling the dogs.

25 But there is, I mean, my facility is not

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1 as big as Linda's and, therefore, you know, I don't
2 accommodate as many dogs. Did I ever, you know, sit
3 down and do a per square foot? Not really. You
4 know, we basically just found a comfortable and
5 manageable level, adequate staff to cover that and it
6 has just been working.

7 CHAIRPERSON MITTEN: Okay.

8 MR. STONE: As far as quantifying it, it
9 could be somewhat of a challenge. And we talked
10 about this actually, the issue that you're bringing
11 up, in writing the letter and making suggestions, but
12 we kind of steered away from that, because we just
13 weren't sure of a good way to do that or something to
14 that.

15 CHAIRPERSON MITTEN: Okay. You know,
16 we're just exploring ideas.

17 MR. STONE: That's good.

18 CHAIRPERSON MITTEN: Okay. Anyone else?

19 COMMISSIONER JEFFRIES: Although, let me
20 stick with that for a minute. But there is some
21 minimum size or there is some basic layout or
22 something. I mean, what if someone decided to open
23 up a dog boarding facility that was absolutely
24 entirely, you know, too small or just didn't have the
25 right floor plan configuration? I mean, I --

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1 MR. STONE: Well, I will say that in
2 respect to that, the clients also dictate some of
3 this as well. I mean, you know, I'm not sure if
4 you're a client of Dogma but, you know, certainly, my
5 clients take tours of our facility on a daily basis
6 and they are not going to bring their dog to our
7 facility if we're cramming them in there. I mean,
8 that's part of it, too. I mean, you know, I mean --

9 COMMISSIONER JEFFRIES: But I think what
10 Madam Chair is -- what is cramming them in there? I
11 mean, that's the piece of --

12 MR. STONE: Yes, it's difficult to
13 quantify.

14 COMMISSIONER JEFFRIES: Yes, yes.

15 MR. STONE: You're right. I mean, it's a
16 challenge. I mean, all I can say from the experience
17 of running the business is that we just found a
18 manageable level, which we felt was appropriate and
19 that is the cutoff point on a given day. And I
20 guess, you know, you perhaps could do it by square
21 foot but, you know, you could do it by employees,
22 amount of employees. I don't have a good suggestion
23 for you, quite honestly.

24 COMMISSIONER JEFFRIES: Okay.

25 MR. STONE: I'm sorry.

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1 COMMISSIONER JEFFRIES: That's fine.
2 Just a final question for me is in terms of your
3 facility, Mr. Stone and Ms. Welch, complaints, what
4 are you averaging and what is the nature of them?

5 MR. STONE: I have had one complaint that
6 I'm aware of.

7 COMMISSIONER JEFFRIES: In how many
8 years?

9 MR. STONE: Let's see, since 1999.

10 COMMISSIONER JEFFRIES: Okay.

11 MR. STONE: And the complaint was filed
12 by a resident in the early spring and it was
13 partially my fault, because they had their windows
14 open and I had my windows open and that was a
15 mistake. I should have shut the windows, which we
16 usually do, but it was a nice day.

17 I had the windows open. The dogs were
18 barking. The sound went out my window right into
19 theirs. We quickly fixed that, turned the air
20 conditioner on a little earlier than we anticipated,
21 shut the windows and it was fine.

22 MS. WELCH: And the same for me. In '99
23 we had -- there is a condominium building behind us.
24 There is an alleyway and then there is a condo
25 building, and the president came over and said great,

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1 glad that you're here. However, we can hear some
2 dogs barking. So we went back, we listened and we
3 remedied it.

4 COMMISSIONER JEFFRIES: Okay.

5 MS. WELCH: We, you know, just put in
6 some soundproofing and that was that.

7 COMMISSIONER JEFFRIES: Okay. Thank you.

8 CHAIRPERSON MITTEN: Thanks to the panel
9 and thank you all for coming down tonight.

10 MS. WELCH: Thank you very much.

11 MR. STONE: Thank you.

12 CHAIRPERSON MITTEN: Now, we will have
13 Andrea Doughty, Al Collins, Robert Featherstone and
14 Rebecca, I'm going to give this a try, Besgyer.

15 MS. BESGYER: You got it.

16 CHAIRPERSON MITTEN: Ms. Doughty, let's
17 start with you.

18 MS. DOUGHTY: Hello. My name is Andrea
19 Doughty and I am speaking on behalf of the Q Street
20 Association, which is an unincorporated association
21 of residents located on the 1400 Block of Q Street.
22 We have about 80 members.

23 I would like to draw your attention to
24 our letter, I think one of the Commissioners already
25 mentioned it, the letter dated October 31st, and I

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1 would like to make a few brief points about our
2 views. We believe that the very significant noise
3 and odor impacts of dog boarding make the regulations
4 that are proposed by the Office of Planning
5 essential.

6 As has been discussed, dog barking noise
7 is extremely loud. It's between 70 and 90 decibels
8 up to 100 decibels. It far exceeds the maximum
9 permissible noise limits in the Commercial Zones and
10 even the limits in the Industrial Zone. So we're
11 talking about extremely loud noise here when it
12 happens.

13 It's also extremely difficult to enforce
14 the noise regulations against dog barking noise.
15 It's of a special nature, because it's random and
16 intermittent. In other words, by the time somebody
17 comes along to try and, you know, cite, issue a
18 citation against the noise, the noise will have
19 stopped.

20 So it really presents quite difficult
21 enforcement challenges. For that reason, we believe
22 that the impact of dog barking noise at commercial
23 facilities is much more readily dealt with via Zoning
24 Regulations governing the use.

25 We strongly support the special exception

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1 process proposed by the Office of Planning for dog
2 boarding in the Commercial Zones. We think that the
3 special exception process is appropriate to these
4 cases, because it allows the BZA to require these
5 impacts to be mitigated through exactly the kinds of
6 things that you have been talking about,
7 soundproofing of buildings, sanitary systems for
8 dealing with waste and odor, air filtration,
9 etcetera.

10 We think that a special exception is
11 really the mechanism that allows these kinds of
12 impacts to be taken into account by the BZA. It also
13 allows the BZA to take into account unique
14 circumstances, and we heard about one facility,
15 Dogma, that has some kind of unique locational
16 characteristics to it.

17 Now, there will be other cases, which
18 also have unique locational or other characteristics,
19 and a special exception process allows the BZA to
20 really take those into consideration in a way that we
21 cannot do necessarily when we're writing regulations.

22 We can't write them into the regulations to cover
23 every circumstance.

24 The use of the special exception process
25 that is proposed has a direct parallel in the current

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1 zoning treatment of motorcycle sales and repair under
2 section 727 of the regulations. That's motorcycles,
3 again, are extremely -- create a lot of noise.

4 Their use is very similar in terms of its
5 zoning impact and under the regulations for C-2 at
6 present, motorcycle sales and repair is dealt with as
7 a special exception. So, you know, we think that by
8 treating dog boarding this way, you're doing exactly
9 the right thing.

10 Because of the noise impact and the
11 special nature of the enforcement problem with the
12 noise impact, we completely agree with the Office of
13 Planning that the use of exterior yards for dog
14 boarding is incompatible in the densely populated
15 Commercial Zones, and that dog boarding uses in
16 general are not appropriate in locations that abut
17 Residential Zones. So we support what is currently
18 proposed by OP in those two areas.

19 However, there are two areas where we
20 believe that the proposed regulations don't
21 adequately address the issues. We don't support OP's
22 latest proposal on dog grooming. We believe that the
23 only restriction that is proposed right now is that
24 no pets be allowed to stay overnight in grooming
25 facilities. We don't think that that is adequate for

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1 a lot of the reasons that have been discussed by the
2 previous panel.

3 Grooming facilities have large numbers of
4 dogs on their premises for 8 to 10 hours at a time,
5 and those dogs can create large levels of noise. It
6 doesn't matter whether the dogs are there to be
7 groomed or there to be boarded, the noise impact can
8 be just the same.

9 We believe that grooming should be
10 subject to the same zoning regulations as boarding.
11 In particular, we believe that grooming should take
12 place wholly within --

13 CHAIRPERSON MITTEN: I need you to wrap
14 it up, because you just ran out of time.

15 MS. DOUGHTY: Oh, okay.

16 CHAIRPERSON MITTEN: Could you just give
17 us a closing thought, and we do have your letter in
18 the record.

19 MS. DOUGHTY: Okay. We believe that
20 grooming should take place within wholly enclosed
21 structures and that there should be no use of
22 exterior yards, and that those facilities should also
23 be set back from Residential Zones in the same way
24 that dog boarding is.

25 CHAIRPERSON MITTEN: Thank you. Mr.

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1 Collins?

2 MR. COLLINS: All right. Thanks for the
3 opportunity to speak. My name is Al Collins and I,
4 too, live on the 1400 Block of Q Street. I wanted to
5 speak about enforcement, in particular enforcement in
6 three areas, noise, waste and odor and then dog
7 grooming versus dog boarding.

8 Yesterday there was a hearing that
9 Council Member Graham held at 10:00 a.m. that was
10 entitled Noise Issues and Enforcement in Residential
11 and Commercial Areas. I attended that hearing,
12 because I have been very challenged by the noise from
13 a kennel on my block and I wanted to see what other
14 people had to say about their noise issues and their
15 enforcement issues.

16 I left very saddened, because basically
17 there is no enforcement mechanism for noise in
18 general in the city, except for -- there are regs,
19 but there is just no way to enforce them, except for
20 noise from a bar and ABRA, the Alcohol Board
21 Regulatory Authority, has some trained inspectors
22 that carry noise meters.

23 Our or my experience with trying to get
24 noise issues dealt with on the block were calling
25 DCRA who told me to call the Metropolitan Police

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1 Department, and then calling the Metropolitan Police
2 Department who told me to call DCRA.

3 This went on for weeks or actually
4 months, and the resolution was myself and my
5 neighbors pooling our money together, thousands of
6 dollars, to buy our own noise meter, hiring the same
7 professional, licensed professional, to calibrate it
8 and take the readings and pursuing this in a
9 potentially civil manner, which is what DCRA told us
10 we would have to do and the Police Department told us
11 we would have to do even though the regs have a
12 decibel level in them, and I find that unacceptable.

13 And when I look at 735.2, which is the
14 reg, the proposed reg that says "shall create no
15 objectionable conditions to adjacent properties
16 resulting from animal noise, waste and odor," I am
17 just concerned that that's just not going to be
18 enough to really enforce.

19 So we have got to look at this in a
20 realistic manner. There is nobody to enforce it and
21 it's not going to get enforced, so we're going to
22 have to look at other factors that, you know,
23 hopefully will compel more harmony among neighbors
24 and these facilities.

25 Waste and odor, another really

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1 challenging situation for me. The kennel on my
2 block, their waste management system -- and let me
3 say I am the Director of Health, Environment and
4 Safety for a very large petroleum company,
5 Multinational, that owns chemical companies, mines,
6 pipelines, trucking. Anyway, I am pretty familiar
7 with the OSHA safety regs. Theirs was to take a hose
8 and hose the dog feces from their back yard into the
9 alley.

10 And for two years we called the Health
11 Department who referred us back to the Police
12 Department and vice versa and it was never taken care
13 of and it's disgusting.

14 CHAIRPERSON MITTEN: I need you to wrap
15 up.

16 MR. COLLINS: Okay. Lastly, dog groomers
17 masquerading as dog boarders. How are we going to
18 enforce that? I mean, let's be serious. The one on
19 my block has a business plan or I have heard they
20 have a business plan to turn themselves into a
21 groomer.

22 People are going to drop them off in the
23 boarding. They are going to keep them all day and
24 pick them up in the evening and we're going to be
25 left with the same issues if groomers are not

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1 included as boarders. Thank you.

2 CHAIRPERSON MITTEN: And if you had
3 anything to add, you can always submit a written
4 statement for the record.

5 MR. COLLINS: Thanks for your patience.

6 CHAIRPERSON MITTEN: Mr. Featherstone?

7 MR. FEATHERSTONE: Thank you very much
8 for letting me speak. I am a resident of 1408 Q
9 Street and, therefore, I became interested in this
10 issue because of the opening of the dog boarding
11 facility two doors from me. I am very appreciative
12 of the Office of Planning and the Zoning Commission
13 by actually considering regulations that would
14 address this.

15 My one concern is that the regulations
16 that would cover dog boarding do not include dog
17 grooming and, as others have spoken, my concern and
18 the concern of my neighbors is that a dog grooming
19 facility could become a stealth dog boarding
20 facility. The dogs are delivered in the morning.
21 They are picked up in the afternoon.

22 And my question would be what level of
23 grooming constitutes grooming? I know some people
24 leave the house with only a cursory level of grooming
25 and no one notices. I would hate to think of someone

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1 bringing a dog in every day to be groomed. That's
2 really all I have to say.

3 CHAIRPERSON MITTEN: Okay. Ms. Besgyer?

4 MS. BESGYER: Hello. My name is Rebecca
5 Besgyer and I am the owner of Dogma Day Care for
6 Dogs. Thanks for letting me speak today. I opened
7 Dogma eight years ago. I was the first person to
8 open a group play facility, a dog group play
9 facility, in the District.

10 And I just want to say before I get into
11 what I'm going to say that I know we have talked a
12 lot about dog grooming, but just for one second I
13 want to say that what you're worried about happening
14 or what I have heard people say they are worried
15 about happening with dog grooming is already
16 happening with pet shops, because I know of three pet
17 shops that are stealth boarding facilities without a
18 license for it or without saying it on their
19 Certificate of Occupancy.

20 And, you know, I feel like we're trying
21 as hard as we can to remain compliant with the law
22 and, yet, there is already kind of a backwash of
23 things happening, you know. All right.

24 So I opened Dogma eight years ago and I
25 live in the same northwest neighborhood that all of

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1 these facilities and Andrea lives in, and I would
2 have loved to open up in northwest Washington, except
3 that I knew, based on what I wanted to do, I was not
4 going to find an appropriate facility in that area.

5 And so I looked specifically for the most
6 isolated spot that I could possibly find which was,
7 at the time I opened, in an Industrial Zone. And I
8 found a site, because what I wanted to do was -- I
9 knew I had to introduce the concept of group play and
10 dog day care to the residents, and I knew that the
11 last thing I could afford to do was to have an
12 acrimonious relationship with those people around me.

13 And so I didn't choose a site that had
14 any visibility whatsoever and there was a certain
15 cost to that. There still is today. I meet longtime
16 Hill residents that still have no idea we are on the
17 Hill. They have absolutely no idea, because my
18 street is a one way dead end street. It is bordered
19 on three sides by freeway, park or roadway.

20 It's sandwiched between the Marine
21 barracks and the Navy Yard. And when I opened, the
22 entire block was basically -- it was a site for
23 refuse of all kinds from the squatters that lived in
24 the abandoned buildings or the vacant buildings. My
25 building was vacant for at least 15 years. I think

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1 it was more like 20.

2 And we cleaned up the site and we have
3 had an impact on the neighborhood, but it hasn't been
4 a bad impact on the neighborhood. It has been a good
5 one. We have never had one complaint in the eight
6 years we have been operating. We don't even have an
7 impact on the traffic, because there isn't any
8 traffic on our street.

9 So unlike a center that might be located
10 in a downtown area where if you have got 40 drop-offs
11 in the morning that might be a problem, we don't even
12 have that kind of an impact. We have always dealt
13 with waste removal the proper way. We would never
14 consider hosing it anywhere.

15 That was an interesting thing actually,
16 because the District told me that I needed -- when I
17 first opened, they required me to install \$5,000
18 floor drains, so I could hose the waste down them.
19 And even though we explained that that wasn't how we
20 could do it, they still wouldn't let me have my
21 Certificate of Occupancy before I complied, so we had
22 to tear up the floor. We have never used them once.

23 We put horse mats over them that weigh 100 pounds
24 each, so we have a waste removal company that comes
25 in.

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1 The facility is -- my capacity is partly
2 determined by my outdoor space. We have 7,000 square
3 feet of outdoor space. We have it securely fenced.
4 The building is not very big. We actually have two
5 buildings. It's not very large and if my yard was
6 determined to be not compliant, if it wasn't
7 compliant with the law, well, I would go out of
8 business immediately. You would put me out of
9 business effectively.

10 I think I have already borne some costs
11 from selecting, responsibly selecting, a site where I
12 knew there wasn't going to be any negative impact to
13 the neighborhood. We have been very active in
14 neighborhood charities, setting up a community garden
15 next door in the park. We have worked very hard to
16 support Barracks Row Main Street and have been
17 contributors to that.

18 And I also wanted to pass out, so you can
19 get a better idea of what we're talking about, some
20 maps.

21 CHAIRPERSON MITTEN: You have to stay on
22 the mike.

23 MS. BESGYER: Okay. I have got six
24 copies of maps here, but I also have some photos that
25 say the direction that it's showing from the yards.

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1 CHAIRPERSON MITTEN: Don't keep talking,
2 because I need you on the mike.

3 MS. BESGYER: The other thing is if we
4 had to go through a special exception, I just want to
5 say that that would be a very difficult process for
6 us. We would have to bear the additional cost, which
7 I have heard could be as much as \$25,000 to get a
8 zoning attorney to go through the process.

9 I looked through what was required, the
10 points, just for the preparation of the special
11 exception and there are 37 separate points. As a
12 small business owner that works a lot and doesn't
13 have a lot of time, we have spent a long time trying
14 to clarify why our position is a little bit different
15 than everyone else's and we want to make sure that,
16 again, we're not penalized for doing a good job with
17 no regulatory body that looked after us at first.

18 I mean, we made some very responsible
19 decisions and we have 2,000 clients, as well, most of
20 whom are District residents that would all be willing
21 to testify to that. I really would urge --

22 CHAIRPERSON MITTEN: You're actually out
23 of time.

24 MS. BESGYER: I'm sorry.

25 CHAIRPERSON MITTEN: So could you just

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1 wrap it up?

2 MS. BESGYER: Yes. I just wanted to urge
3 you to, please, consider either approving exterior
4 yards in general in the amendment or grandfather my
5 existing yard or use your power to act as the BZA, at
6 the same time when you adopt the new regulations to
7 grant my facility a special exception to operate the
8 yard.

9 CHAIRPERSON MITTEN: Okay.

10 MS. BESGYER: Thank you.

11 CHAIRPERSON MITTEN: It's helpful to have
12 the map that you have given us, and I think what
13 would be further helpful, so that we can have a
14 better understanding of your facility is if you had -
15 - if we could get a plat of some kind, like a site
16 plan. I think the Office of Planning can help you
17 get that if you need help.

18 MS. BESGYER: Uh-huh.

19 CHAIRPERSON MITTEN: And also, you had
20 mentioned that you were originally zoned industrial
21 and now you're zoned C-3-A.

22 MS. BESGYER: Yes. The owner of my
23 property is -- he was living in San Diego, but now he
24 lives in Italy, and I don't usually see that
25 correspondence and I didn't -- I don't watch for

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1 those hearings as they come up.

2 CHAIRPERSON MITTEN: Okay.

3 MS. BESGYER: But it was originally zoned
4 light industrial. I don't know what the number was.

5 CHAIRPERSON MITTEN: Okay.

6 MS. BESGYER: But I know that the last
7 time when we went, there had been a change.

8 CHAIRPERSON MITTEN: And what do you have
9 a Certificate of Occupancy for now?

10 MS. BESGYER: The certificate says 24
11 hour dog care, dog care facility. Is that what it
12 says? Yes, 24 hour dog care facility. I was one of
13 the three that was given a new Certificate of
14 Occupancy.

15 CHAIRPERSON MITTEN: Okay. And actually,
16 if you could submit a copy of the Certificate of
17 Occupancy, so that we would know. I don't know if it
18 applies to a single lot or multiple lots but, you
19 know, just so we can identify the legal entity and
20 all of that as we move through this and decide how we
21 want to handle your particular case.

22 MS. BESGYER: Okay. I think it's
23 multiple lots. I'm not certain.

24 CHAIRPERSON MITTEN: Okay. But if you
25 could just --

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1 MS. BESGYER: Yes.

2 CHAIRPERSON MITTEN: -- give us all that
3 information.

4 MS. BESGYER: Okay.

5 CHAIRPERSON MITTEN: So we're as informed
6 as we can be about that.

7 MS. BESGYER: I will be happy to.

8 CHAIRPERSON MITTEN: Okay. Other
9 questions from the Commission?

10 VICE CHAIR HOOD: Madam Chair, I just
11 wanted to ask Mr. Collins. You mentioned 735.2 about
12 the enforcement and that's one issue, but can you
13 help us to maybe strengthen that to how you see it
14 may need to be strengthened. You don't have to do it
15 now. If you can submit something or if you could
16 maybe tell me how we could strengthen that.

17 MR. COLLINS: Well, I think that you
18 would have to define what an objectionable condition
19 would be in the definitions, and that would probably
20 have to be something -- you know, if there was -- I
21 want to say before I say this that the kennel owners
22 that we have worked together with have been amazing
23 and I have learned so much and this is really --
24 actually, I'm probably not even going to say that,
25 because it's not a good solution.

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1 I was going to. I would rather put
2 something in writing. But I think defining that
3 definition and explaining what an objectionable
4 condition is, which there is a lot of regulatory
5 guidance in other parts of the D.C. Code, would be a
6 way of doing that and it has to do with hearings and
7 that kind of stuff.

8 VICE CHAIR HOOD: Okay. I would be
9 interested in seeing it. If you have time to submit
10 something, that would be great. Thank you.

11 CHAIRPERSON MITTEN: Anyone else, any
12 questions?

13 COMMISSIONER JEFFRIES: I just love these
14 photographs. This is great.

15 CHAIRPERSON MITTEN: I just wanted to
16 empathize for a minute with Mr. Collins. I dealt in
17 my -- where I live, which is southern Dupont Circle,
18 with another issue not related to dogs at all, but it
19 is next to impossible, as you say, to get any kind of
20 noise enforcement.

21 So anything that we can get in the
22 ordinance that would, basically, require people to
23 meet a standard at the special exception stage,
24 rather than trying to enforce it after the fact, I
25 think would be all to the good, because it puts the

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1 burden on the business owner at the commencement of
2 the process. So thank you all for coming down.

3 And now I have Mark O'Brien, and if there
4 is anyone else who would like to testify in support,
5 you can feel free to come forward now. And Mr.
6 O'Brien won't be lonely then if you come forward.
7 Let me just ask this. Anybody who has come in, I see
8 some faces that we didn't have in the hearing room
9 when we started, there's two little cards. I don't
10 know if you have --

11 UNIDENTIFIED SPEAKER: We have done it.

12 CHAIRPERSON MITTEN: You gave those in
13 already? Okay. I just wanted to make sure everybody
14 had the cards filled out. So we'll start with Mr.
15 O'Brien, then we'll work our way down the table.

16 MR. O'BRIEN: Thank you for letting me
17 speak. I am Mark O'Brien, a resident of 1417 Q
18 Street.

19 First, I would like to note that I fully
20 support the arguments that have already been made by
21 the other members or other residents of Q Street and
22 other people who have spoken and the owners of the
23 three dog boarding businesses, Dogs by Day, Dogma and
24 City Dogs.

25 And I would also like to urge the

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1 Commission to review the possibility of
2 grandfathering, sorry, grandfathering the existing
3 exterior yard at Dogma on the grounds of the
4 particularities of where it's located and its history
5 at that site if that's possible.

6 Where I would like to focus my comments
7 is on the issue of the appropriate treatment of dog
8 grooming and the proposed text amendment concerning
9 dog boarding. As has already been noted by earlier
10 speakers, the amendment needs to cover grooming
11 simply to avoid leaving a loophole in the regulations
12 through which dog boarding business masquerading as
13 groomers could walk. I think that would be unfair to
14 the other dog boarding businesses who operate within
15 the law and also to the residents.

16 In support of my views, I would like to
17 refer to how some other jurisdictions have looked at
18 this issue of regulating dog grooming as a use in
19 Zoning Regulations. I have looked especially at some
20 of the more densely populated urban contexts
21 throughout the country. Some of these jurisdictions
22 have addressed these issues before D.C. has got
23 around to it, and it seems to me it would make sense
24 to review their way of doing things, so as to learn
25 from that and not have to reinvent the wheel.

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1 I should point out that I am not a legal
2 or a zoning expert, so my reading of a range of
3 Zoning Regulations has been from the perspective only
4 of an interested party, and my reading has not been
5 comprehensive, simply limited by my available spare
6 time.

7 As an aside, one of the issues you raised
8 earlier, which was potential gaps in the definitions
9 which you might want to avoid, I noticed that in a
10 number of regulations they avoid the use of dog as in
11 dog grooming or dog boarding and simply say animal,
12 animal grooming, animal boarding, animal hospital,
13 which might be something you could bear in mind.

14 From my research, there have been two
15 common ways that the issue of the need to regulate
16 dog grooming as a use has been addressed elsewhere.
17 First, and perhaps based on a view that dog grooming
18 itself has an impact, but potentially a lesser impact
19 than overnight boarding, some jurisdictions
20 differentiate between boarding and grooming as uses.
21 Grooming is still identified as a use in the
22 regulations, but subject to lesser ascriptions on the
23 use, presumably reflecting a view that the impact is
24 less than that of boarding.

25 San Francisco seems to me to be an

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1 interesting, a fairly thorough example of this
2 approach. In San Francisco a differentiation is made
3 between groomers who board overnight and those who do
4 not. Both are controlled, but where overnight
5 boarding is involved, the business is grouped with
6 vet hospitals and the standards that have to be met
7 are much tighter, virtually the same as kennels. I
8 have to say this approach, however, is very complex
9 and might be hard to implement.

10 More frequently, however, it seems from
11 my research that jurisdictions opt to group all of
12 these activities together, that's grooming and
13 boarding, and sometimes vet hospitals and treat them
14 as similar for the purposes of the Zoning Regs, and I
15 think that's probably because it's hard to
16 differentiate the use at the margin.

17 Examples I have looked at include
18 Orlando, Florida, San Jose, California, Tacoma,
19 Washington, Ann Arbor, Michigan and several others
20 which are referred to in the letter that has been
21 jointly sent by a number of people to you.

22 What is interesting to me is that
23 irrespective of which approach you follow, whether
24 it's the separate dog grooming out as a use or lump
25 it in with all other dog boarding and other uses is

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1 how dog grooming as a use is addressed. Sorry, I'm
2 confusing myself.

3 Irrespective of which approach is taken,
4 all the jurisdictions seem to include some measures
5 to limit the impact of dog grooming. In virtually
6 all cases, the businesses are required to be carried
7 out only inside a fully enclosed building, no
8 exterior yards of any sort for dog grooming. In a
9 few cases there are requirements for soundproofing
10 and even in one jurisdiction I looked at, a specific
11 requirement for specially soundproofed windows.

12 CHAIRPERSON MITTEN: You're out of time.

13 MR. O'BRIEN: Okay.

14 CHAIRPERSON MITTEN: Can you give us your
15 closing thoughts and then if you had a written
16 statement that you wanted to submit.

17 MR. O'BRIEN: Sure.

18 CHAIRPERSON MITTEN: You have got lots of
19 good stuff in there, I think.

20 MR. O'BRIEN: Okay. I was going to
21 mention setbacks are also common. I was going to
22 mention they are also all over the place, just as you
23 referred to before, with the number of dogs per
24 square foot. Some places do look at dogs per square
25 foot, again all over the place, and some

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1 jurisdictions refer to health regulations for that
2 purpose. And my final point was to say I was happy
3 to submit this stuff in writing.

4 CHAIRPERSON MITTEN: Fabulous. Thanks.
5 We're just going to move down the table since I don't
6 know the names of the rest of the folks.

7 MS. GUGGENHEIM: Hi. Nice to be here.
8 My name is Grace Guggenheim and I live in the
9 District up near the zoo in northwest, and I am here
10 sort of as representing as a single professional D.C.
11 resident, just here in support of how important these
12 facilities are for someone like myself who is really
13 operating as sort of a single parent with a dog.

14 And I'm here primarily in support of
15 Dogma and not to discriminate these other wonderful
16 facilities, but ironically I drive all the way down
17 to southwest to take my dog to Dogma and, primarily,
18 this is my second dog, but he had sort of a special
19 need in the fact that he needed an outdoor facility.

20 He needed a facility that had an outdoor/indoor
21 component and also a high socialization place with a
22 lot of care, and I specifically drive two to three
23 times a week to take my dog down to Dogma.

24 And I just wanted to be here in support
25 of this facility, because I feel that they do an

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1 exceptional job, they are very caring, dedicated
2 staff, and it's really a vital component to my
3 working life and professional life and also really
4 allowing me to have a dog that has really grown to be
5 a very mature, wonderful animal.

6 CHAIRPERSON MITTEN: Thank you. Ma'am?

7 MS. KHANDWALA: Gopa Khandwala. I am a
8 District resident. I live on Capitol Hill. I work
9 on Capitol Hill. I have five dogs of my own and yes,
10 I do have a hobby permit. I also foster several dogs
11 and frequently have friends' dogs staying with me.

12 So as someone who has often had up to 10
13 dogs in a townhouse, I would like to talk a little
14 bit about some of the benefits of a place like Dogma.

15 My dogs do go to Dogma. Some of my fosters have
16 been there. Some of my friends take their dogs
17 there, too, and I wanted to talk a little bit about
18 the exterior yard and to really support the request
19 for grandfathering it in.

20 In addition to all of that, I have also
21 worked at times at Dogma as a caretaker. Rebecca is
22 very particular about having adequate qualified staff
23 at any point, and I think the first time we spoke on
24 the phone with the numerous dogs in the background,
25 we decided I was qualified.

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1 I wanted to address a couple of things
2 that haven't been addressed otherwise, rather than
3 repeating everything. Firstly, the question that you
4 all had raised about the number of dogs per square
5 foot that could be advisable, I just wanted to say in
6 some respects this business regulates itself. If you
7 have too many dogs in a place when you take into
8 account the environment and the staff that's present,
9 dog fights will break out and dogs will get injured
10 and you will lose clients.

11 So if you run a dog boarding facility,
12 chances are that itself will regulate how many dogs
13 you have rather than even noise considerations,
14 because you're going to have the fights before you
15 even hit that excessive noise possibility based on
16 just areas.

17 I have spent several nights at Dogma,
18 because it's also -- since it's 24 hour, there is at
19 least one person there at night, and it has not been
20 an issue. The only time I was ever woken up there
21 was by a bunch of drunks walking by, never by the
22 dogs. It is in the middle of a commercial area and
23 it's not an area that is going to be changing into
24 residential in my lifetime.

25 The last thing I wanted to talk about a

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1 little bit is the waste disposal. When I started at
2 Dogma, the first thing Rebecca did was show me around
3 and show me what needs to be done with waste
4 disposal. It's picked up as soon as it's dropped.
5 The entire yard is sprayed with disinfectant every
6 couple of hours. The entire yard is bleached at
7 least twice a day, if not more frequently.

8 It really doesn't matter which way the
9 wind blows, you don't smell a thing, and I personally
10 have a compromised immune system. It has never been
11 a health concern for me to be at Dogma and that's
12 saying a lot. So I would be happy to answer any
13 questions, but that's it.

14 CHAIRPERSON MITTEN: Thank you. Sir?

15 MR. WEAVER: Hi. My name is William
16 Weaver and I live in northwest Washington, in Mount
17 Pleasant, and I'm a customer of Dogma and I have
18 many, many options. Well, not many, many, but I have
19 several options for dog boarding and specifically go
20 to Dogma because of the outside area. It's the
21 hallmark of their business and that's why I'm a
22 customer.

23 And you know, frankly, if it wasn't
24 available, there are certainly many other, you know,
25 businesses that are certainly closer to me. So I

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1 would worry about the viability of her business if
2 she wasn't able to keep that outside boarding
3 facility.

4 CHAIRPERSON MITTEN: Thank you. Any
5 questions for the panel? Any questions? Okay.
6 Thank you all for coming down and, Mr. O'Brien, we
7 look forward to getting your written statement in the
8 record.

9 Anyone else who would like to testify in
10 support, anyone else? Anyone who would like to
11 testify in opposition?

12 Okay. I would like to, since we will
13 have a second case to take up the grooming, because
14 we have to have -- this hearing is what the public
15 hearing notice noticed to the public and not
16 everybody -- grooming has come up as an issue, but
17 it's not because it was noticed.

18 So the Office of Planning will make a
19 further proposal to us and we'll schedule a hearing
20 on dog grooming or animal grooming and perhaps other
21 things like veterinary hospital and so on. So I
22 would encourage you all to come back and put your
23 concerns on the record at that time.

24 And we will leave the record open,
25 because we would like to get some of the written

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1 statements that we asked for. We would like to get
2 some more information from Ms. Besgyer and then we
3 would like to get some further guidance from the
4 Office of Planning on perhaps some parameters that we
5 could include in the ordinance when the BZA is
6 considering special exception requirements related to
7 the things that we heard, particularly about noise
8 and how the buildings themselves can be structured,
9 so that that is less of a problem or is eliminated as
10 a problem.

11 So I think we should leave the record
12 open for probably whatever would work to get things
13 in for our December meeting.

14 MS. SCHELLIN: December. We could leave
15 the record open until Monday, December 5th.

16 CHAIRPERSON MITTEN: Okay.

17 MS. SCHELLIN: 3:00 p.m.

18 CHAIRPERSON MITTEN: So any written
19 statements, if you have any additional thoughts, want
20 to do any additional research, the record will be
21 open until December 5th at 3:00.

22 And I just want to explain to folks what
23 will happen next. We'll make the decision on this
24 case at one of our regular monthly meetings, and it's
25 likely if we get all the materials in on time that

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1 that will be the December meeting, and we hold them
2 in the same room at 6:30 on the second Monday of the
3 month.

4 And if you're interested in following the
5 case, you can contact Mrs. Schellin in the Office of
6 Zoning and she will be able to tell you whether, in
7 fact, the case would be on for a particular meeting.

8 But you should also be aware that if we propose
9 affirmative action, because this is a rule making
10 case, the proposed action will be published in the
11 D.C. Register as a proposed rule making and there
12 will be an additional period of time for public
13 comment.

14 And in addition, we make a referral to
15 the National Capital Planning Commission and they
16 review it for a federal impact review. The Zoning
17 Commission then -- so we take proposed action,
18 publish a rule making, refer to NCPC and then we take
19 final action at a subsequent public meeting. And so
20 a lot of things to do in the meantime, and then we
21 have this additional case that will be coming forward
22 on the animal grooming and other things.

23 So thank you all for coming down. You
24 have clearly taken a serious interest in this and
25 your testimony has been very helpful this evening.

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1 Thank you. We're adjourned.

2 (Whereupon, the Public Hearing was
3 concluded at 8:01 p.m.)
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